

Appl. No. 09/996,663
Atty. Docket No. 8794
Resp. dated 3/24/04
Reply to Office Action of 12/24/03
Customer No. 27752

portion of the body defines a plane whenever the fastener is closed as shown in figure 1. An unnumbered portion of the container extends beyond hinge line 45 of the figures and is coplanar with the fastener. This unnumbered portion is not angled out of the plane of the fastener and is therefore not a ramp extending from the fastener. Figure 2 illustrates components of the fastener. The unnumbered portion is illustrated at an angle to the lid, not at an angle to the fastener. The figure does not teach or suggest a ramp extending from the fastener. Nothing in the reference teaches or suggests a ramp extending from the fastener as claimed in Claims 1-20. The addition of Herrington et al. does not cure the deficiencies of the Randall reference. Herrington et al. also fails to teach or suggest a ramp extending out of the plane of the disclosed fastener. The extended faster portion of Herrington lies in the plane of the fastener. The combination of references fails to teach or suggest all of the claimed limitations of Applicants' claimed invention. Applicants respectfully request that the rejection of claims 1-20 under 35 USC §103(a) be reconsidered and withdrawn.

The office Action rejects claims 1-20 under 35 USC 103(a) as unpatentable over Hupp (US 6,394,299) in view of Herrington.

Applicants agree with the Office that Hupp does not teach or disclose a ramp. Applicants submit as above that Herrington does not teach or suggest a ramp extending out of the plane of the fastener. Therefore this combination of references fails to teach or suggest all of the claimed limitations of Applicants' claimed invention. Applicants respectfully request that this rejection be reconsidered and withdrawn.

During patent examination, claim terms must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach (MPEP §2111). Applicants submit that the broadest reasonable interpretation of the claim term "ramp" does not include a coplanar surface. Applicants respectfully request that the Examiner provide a source for this interpretation or withdraw the rejection of the claims based upon this reference.

Double Patenting rejection:

The Office Action provisionally rejects claim 18 under the nonstatutory doctrine of Double Patenting, over claim 11 of US patent 6,394,299 in view of Herrington. Applicants respectfully traverse this rejection. Applicants submit that the cited combination fails to teach or suggest all of the claimed limitations. Specifically, the

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combination fails to teach a ramp extending out of the plane of the fastener. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC § 103(a), and the nonstatutory double patenting rejection. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

For: DANIEL RAYMOND CERONE ET AL.

By 

David C. Mattheis
Attorney for Applicant(s)
Registration No. 48,683
(513) 634-7419

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